

Message Text

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ACTION NEA-10

INFO OCT-01 ISO-00 CIAE-00 INR-07 NSAE-00 PM-04 NSC-05
SP-02 SS-15 L-03 A-01 /048 W
-----162231Z 017827 /14

R 161149Z MAY 77
FM AMEMBASSY TEL AVIV
TO SECSTATE WASHDC 6163
INFO AMEMBASSY AMMAN
:AMEMBASSY CAIRO 6824
AMEMBASSY DAMASCUS
AMCONSUL JERUSALEM

UNCLAS TEL AVIV 3438

E.O. 11652: N/A
TAGS: PGOV, IS
SUBJECT: LAW AND CUSTOM ON THE SEQUENCE OF GOVERNMENT FORMATION

1. DRAWING ON OUR READING OF THE BASIC LAW ON GOVERNMENT FORMATION AND ON CONVERSATIONS WITH POLITICAL SOURCES, PARTICULARLY NETANEL LORCH, SECRETARY-GENERAL OF THE KNESSET STAFF AND ITS TOP-RANKING CIVIL SERVANT, WE HAVE PREPARED THE FOLLOWING REPORT OF THE LEGAL STEPS AND PRACTICES IN GOVERNMENT FORMATION:

2. ELECTION RESULTS MAY BE OFFICIALLY PUBLISHED AT ANY TIME FOLLOWING COMPLETION OF THE COUNT, AND MUST BE PUBLISHED NO LATER THAN TWO WEEKS AFTER THE ELECTION.

3. UPON OFFICIAL PUBLICATION OF THE RESULTS (THUS, NO LATER THAN MAY 31), THE PRESIDENT BEGINS HIS FORMAL CONSULTATIONS WITH PARTY LEADERS. INTENSIVE INFORMAL CONSULTATIONS AND DISCUSSIONS WILL, OF COURSE, HAVE TAKEN PLACE DURING THIS TWO WEEK PERIOD AMONG ALL PARTY AND FACTIONS LEADERS.

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4. THE NEW KNESSET CONVENES ON THE SECOND MONDAY FOLLOWING PUBLICATION OF THE ELECTION RESULTS (AT THE LATEST JUNE 13 FOR THE NINTH KNESSET). IT ELECTS ITS SPEAKER BY SECRET BALLOT AS THE FIRST ORDER OF BUSINESS.

5. IT IS CUSTOMARY FOR THE PRESIDENT TO WAIT

UNTIL AFTER THE ELECTION OF THE KNESSET SPEAKER TO ASSIGN AN MK TO FORM A GOVERNMENT. UNDER THE BASIC LAW HE MAY CHOOSE ANY MK BUT THE PRACTICE HAS BEEN TO PICK THE LEADER OF THE PARTY WITH THE LARGEST KNESSET REPRESENTATION. ONCE GIVEN THE NOD, THE PARTY LEADER HAS 21 DAYS TO FORM A GOVERNMENT; THIS PERIOD MAY BE EXTENDED FOR ADDITIONAL PERIODS TOTALING UP TO 21 ADDITIONAL DAYS. SHOULD HE FAIL, THE PRESIDENT MAY THEN ASK ANOTHER MK, EITHER OF THE SAME PARTY AS THE ONE FIRST CHOSEN, OR OF ANY OTHER PARTY. HOWEVER, IT IS CUSTOMARY FOR THE PRESIDENT TO TURN TO THE LEADER OF THE SECOND LARGEST PARTY AT THIS POINT. THE PRESIDENT'S SECOND CHOICE ALSO HAS 21 DAYS AND UP TO 21 ADDITIONAL DAYS TO FORM A GOVERNMENT. THERE IS NO LIMIT TO THE NUMBER OF TIMES THIS SEQUENCE MAY BE REPEATED. HOWEVER, AT ANY TIME AFTER FIRST ONE MK AND THEN ANOTHER HAVE BEEN GIVEN THE ASSIGNMENT AND FAILED, THE PRESIDENT AT HIS DISCRETION MAY INFORM THE KNESSET SPEAKER THAT HE SEES NOW WAY OF ACHIEVING FORMATION OF A GOVERNMENT. THE SPEAKER WOULD IN ALL LIKELIHOOD THEREUPON REQUEST A LAW DISSOLVING THE KNESSET AND HOLDING NEW ELECTIONS.

6. IN SUM, THE EARLIEST A NEW GOVERNMENT COULD BE FORMED WOULD BE THE SECOND WEEK IN JUNE. MORE REALISTICALLY, THE PROCESS MAY DRAG OUT MANY WEEKS INTO THE SUMMER.

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: ELECTION LAW, NATIONAL ELECTIONS
Control Number: n/a
Copy: SINGLE
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Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01-Jan-1960 12:00:00 am
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1977TELAV03438
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D770173-0852
Format: TEL
From: TEL AVIV
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1977/newtext/t19770551/aaaabsge.tel
Line Count: 98
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: f242be92-c288-dd11-92da-001cc4696bcc
Office: ACTION NEA
Original Classification: UNCLASSIFIED
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: n/a
Previous Handling Restrictions: n/a
Reference: n/a
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 21-Jan-2005 12:00:00 am
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 2499541
Secure: OPEN
Status: NATIVE
Subject: LAW AND CUSTOM ON THE SEQUENCE OF GOVERNMENT FORMATION
TAGS: PGOV, IS
To: STATE
Type: TE
vdkgvwkey: odb://SAS/SAS.dbo.SAS_Docs/f242be92-c288-dd11-92da-001cc4696bcc
Review Markings:
Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
22 May 2009
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009